

In re Appln. of DIEMER et al.  
Application No. 10/603,628

### REMARKS

The amendments set out above and the following remarks are believed responsive to the points raised by the Office Action dated September 20, 2004, and discussed during the interview with Examiner Cintins on March 3, 2005. In view of the amendments set out above and the following remarks, reconsideration is respectfully requested.

As an initial point, Applicants' representative greatly appreciates the courtesy shown him by Examiner Cintins, and further appreciate his careful consideration of the arguments presented during the interview.

#### *Information Disclosure Statement (IDS)*

Upon reviewing the file while preparing this response, it is noted that paragraph 0004 of the specification refers to DE 39 43 249 A1, but DE 39 34 249 A1 was submitted in an IDS.

Accordingly, an IDS, with the appropriate fee, including a copy of DE 39 43 249 A1, is submitted herewith, and this document is listed on the attached PTO-1449 Form (that also lists two U.S. patents belonging to the same family).

Moreover, paragraph 0020 of the specification refers to DE 198 57 751.6 , so copies of that document and International Publication No. WO 00/35555 (claiming the priority of DE 198 57 751.6), are submitted herewith and these documents are also listed on the attached PTO-1449 Form.

It is respectfully requested that the Examiner place his initials in the appropriate area of the Form, thereby indicating his consideration of the documents, and return the initialed Form to Applicants.

#### *The Pending Claims*

Claims 1-24 remain pending, and claims 9, 10, 12-16, and 18 are withdrawn from consideration.

Claims 1 and 17 have been amended to describe the invention more clearly. No new matter has been added, the basis for the amended claim language may be found within the original specification, claims and drawings.

Claims 1 and 17 are supported at, for example, page 5, paragraph 0039. Entry of the above is respectfully requested.

At the interview, Applicants' attorney discussed the nature of the present invention and the disclosures of the cited references. The claims have been amended in the manner discussed at the interview, so as to more particularly set out Applicants' invention.

*The Office Action*

Claims 1-7, 11, 17 and 19-24 were rejected under 35 U.S.C. §102 as anticipated by U.S. Patent No. 5,908,558 to Holland (hereinafter referred to as "Holland"), and claims 1-4, 6-8, 11, and 17 were rejected under 35 U.S.C. §102 as anticipated by U.S. Patent No. 5,427,683 to Gershon et al. (hereinafter referred to as "Gershon et al.").

Claim 8 was rejected under 35 U.S.C. §103(a) as being unpatentable over Holland in view of Gershon et al.

Each of these rejections is separately and respectfully traversed.

As discussed during the interview, the present invention relates to a module for treating fluids having one or more cells stacked on top of one another, each cell having at least one opening, the opening of the cell(s) forming at least one channel for feeding or discharging the fluid to be treated, the channel being suitable for introducing a treatment material for the fluid into the cell(s); each cell having two sheet-like porous components delimiting an inner space and designed for passage of the fluid therethrough, the inner space being connected to the channel, wherein inner space of each cell at least partially contains the treatment material for the fluid.

Put another way, each cell defines a closed volume wherein the sheet-like porous components delimit an inner space and the closed volume communicates with the exterior through the channel for feeding or discharging the fluid to be treated, rather than communicating through the exterior through the porosity of the sheet-like components. In an improvement in the art, Applicants have provided cells containing treatment material in the inner space of each cell, wherein the treatment material was introduced through at least one channel for feeding or discharging the fluid to be treated.

As discussed during the interview with respect to figures in documents referenced in the present application, e.g., Figure 1 in DE 37 41 552 (*see* paragraph 0010) and Figures 1 and 3 in U.S. Patent No. 4,704,207 (corresponding to EP 0 233 999 A2, *see* paragraph 0019) the invention is applicable to a variety of cell configurations comprising a stack of cells, wherein each cell comprises two sheet-like porous components which delimit an inner space wherein the inner space is connected to a channel which is a common feed or drain channel for all of the cells in the stack..

Figure 1 in DE 198 57 751 A1, referenced in paragraph 0020 of the present application (*see also*, WO 00/35555), shows yet another exemplary cell configuration comprising a stack of cells having inner spaces connected to a common channel that can be utilized in accordance with the present invention.

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Advantageously, for those treatment materials that have a short service life and/or are difficult to transport, the materials can be introduced into the cells shortly before use. Moreover, there is no need to modify existing module dimensions, filter housing, and/or connections.

Turning now to Holland and Gershon et al., it is clear that they fail to disclose or suggest one or more cells having at least one opening wherein the opening of the cell(s) form a channel for feeding or discharging the fluid to be treated, wherein the channel is “suitable for introducing a treatment material for the fluid into the cell(s).” For example, with respect to Holland, while the Office Action refers to “non-woven fabric” at col. 11, lines 28-30, and “adsorbent” at col. 14, lines 24-28, there is no channel for introducing an adsorbent between sheets of non-woven fabrics. In fact, the non-woven fabric would prevent the passage of the adsorbent therethrough, and thus, it could not be introduced into an inner space between sheets of non-woven fabric.

With respect to Gershon et al., while the Office Action refers to Figure 5, with “sheet-like” porous components” (apparently retaining means 542) and an “adsorbent” (clay particles, col. 5, lines 19-20), there is no channel for introducing the clay particles into a space between the retaining means. In fact, the retaining means would prevent the passage of the clay particles therethrough, and thus, they could not be introduced into an inner space between two retaining means.

Since neither Holland nor Gershon et al. disclose a channel that is “suitable for introducing a treatment material for the fluid into the cell(s),” the combination of Holland with Gershon et al. also fails to render the present invention obvious.

Since the independent claims are allowable for the reasons set forth above, the dependent claims are allowable as they depend from the novel and non-obvious independent claims.

For the reasons set forth above, reconsideration of the rejections is respectfully requested.

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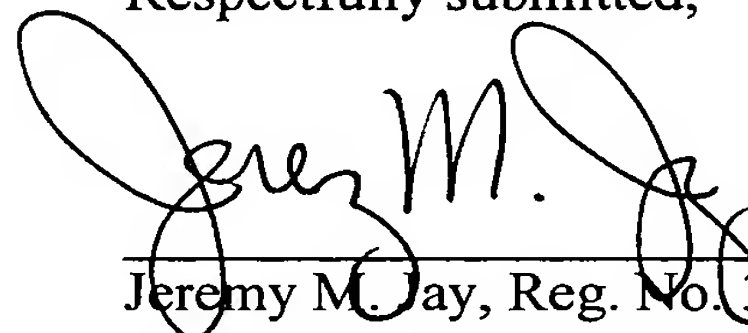
*Conclusion*

It is believed this response summarizes all the issues discussed during the interview.

In view of the amendment and remarks recited herein, the application is considered in good and proper form for allowance, and the Examiner is respectfully requested to pass this application to issue.

If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned attorney.

Respectfully submitted,



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